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(Original Signature of Member)

117TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To provide for the prohibition on issuance of licenses authorizing exports  
of certain defense services to Saudi Arabia, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. MALINOWSKI introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To provide for the prohibition on issuance of licenses author-  
izing exports of certain defense services to Saudi Arabia,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Saudi Arabia Legiti-  
5       mate Self Defense Act”.

6       **SEC. 2. SENSE OF CONGRESS.**

7       It is the sense of Congress that, for purposes of com-  
8       pliance with and implementation of section 502 of the For-

1 eign Assistance Act of 1961 (22 U.S.C. 2302; relating to  
2 utilization of defense articles) and section 4 of the Foreign  
3 Military Sales Act (22 U.S.C. 2754; relating to purposes  
4 for which military sales by the United States are author-  
5 ized)—

6 (1) officials from the Department of State and  
7 Department of Defense who oversee security co-  
8 operation with the Kingdom of Saudi Arabia have an  
9 obligation to be alert to and report to the Secretary  
10 of Defense and Secretary of State any indication  
11 that United States-origin defense articles are being  
12 used against anything other than legitimate military  
13 targets; and

14 (2) the Department of State is responsible,  
15 under United States law and consistent with United  
16 States policy, for investigating such incidents of po-  
17 tential misuse and imposing restrictions, as appro-  
18 priate, on the Kingdom of Saudi Arabia in instances  
19 in which it is suspected of not utilizing United  
20 States-origin defense articles consistent with United  
21 States law.

22 **SEC. 3. STATEMENT OF POLICY.**

23 It shall be the policy of the United States that—

24 (1) for purposes of compliance with section 502  
25 of the Foreign Assistance Act of 1961 (22 U.S.C.

1       2302; relating to utilization of defense articles) and  
2       section 4 of the Foreign Military Sales Act (22  
3       U.S.C. 2754; relating to purposes for which military  
4       sales by the United States are authorized), offensive  
5       strikes on Houthi (Ansar Allah) ground forces in  
6       Yemen by the armed forces of the Kingdom of Saudi  
7       Arabia do not constitute “legitimate self defense”,  
8       “internal security”, nor “preventing or hindering the  
9       proliferation of weapons of mass destruction or the  
10      means of delivering such weapons”; and

11           (2) consistent with section 3(g) of the Foreign  
12      Military Sales Act (22 U.S.C. 2753(g); relating to  
13      unauthorized use of articles), the United States re-  
14      tains the right to verify credible reports that Saudi  
15      Air Force aircraft have been used for purposes other  
16      than those authorized under contract terms con-  
17      sistent with the Arms Export Control Act.

18   **SEC. 4. REPORT.**

19       (a) IN GENERAL.—For purposes of compliance with  
20      section 502 of the Foreign Assistance Act of 1961 (22  
21      U.S.C. 2302; relating to utilization of defense articles) and  
22      section 4 of the Foreign Military Sales Act (22 U.S.C.  
23      2754; relating to purposes for which military sales by the  
24      United States are authorized), the Secretary of State  
25      shall, not later than 30 days after the date of the enact-

1 ment of this Act, submit to the appropriate congressional  
2 committees a report that includes the following:

3 (1) A description of strikes by the Saudi Air  
4 Force in Yemen, from 2015 to the present, that the  
5 United States Government considers “legitimate self  
6 defense”, “internal security”, and “preventing or  
7 hindering the proliferation of weapons of mass de-  
8 struction or the means of delivering such weapons”.

9 (2) A description of strikes by Saudi Arabia in  
10 Yemen, from 2015 from present, that the intel-  
11 ligence community assesses do not constitute “legiti-  
12 mate self defense”, “internal security”, and “pre-  
13 venting or hindering the proliferation of weapons of  
14 mass destruction or the means of delivering such  
15 weapons,” consistent with the statement of policy  
16 described in section 3.

17 (3) A description of the investigations that the  
18 United States Government carried out relating to  
19 the strikes described in paragraph (2).

20 (4) A description of any violations of the terms  
21 of sale for United States Munitions List-listed air-  
22 craft to Saudi Arabia for purposes of compliance  
23 with 3(c)(2) of the Foreign Military Sales Act that  
24 the investigations described in paragraph (3) found.

1           (5) A copy of the Department of State's stand-  
2           ing guidance to all personnel, including those oper-  
3           ating under Chief of Mission supervision at United  
4           States embassies, for reporting any indication that  
5           United States-origin defense articles are being used  
6           by Saudi Arabia in Yemen against anything other  
7           than legitimate military targets.

8           (6) A copy of the Department of State's proce-  
9           dures for investigating and reporting to the Sec-  
10          retary of State on the outcome of any investigations  
11          of any indication that United States-origin defense  
12          articles are being used by Saudi Arabia in Yemen  
13          against anything other than legitimate military tar-  
14          gets.

15          (7) A certification from the Secretary of State  
16          that the guidance described in paragraph (5) is  
17          being faithfully and consistently implemented by all  
18          Department of State personnel, as required by  
19          United States law and policy.

20          (b) FORM.—The report required by subsection (a)  
21          shall be submitted in unclassified form, but may contain  
22          a classified annex.

1 **SEC. 5. PROHIBITION ON ISSUANCE OF LICENSES AUTHOR-**  
2 **IZING EXPORTS OF CERTAIN DEFENSE SERV-**  
3 **ICES TO SAUDI ARABIA.**

4 (a) IN GENERAL.—For the 2-year period beginning  
5 on the date of the enactment of this Act, the President  
6 may not issue any license, and shall suspend any license  
7 or other approval that was issued before such date of en-  
8 actment, authorizing the export to the Government of  
9 Saudi Arabia of defense services related to the mainte-  
10 nance or servicing of United States-provided aircraft be-  
11 longing to military units determined to have undertaken  
12 offensive airstrikes inside Yemen in the preceding year  
13 that are not related directly to preventing or degrading  
14 the ability of Houthi (Ansar Allah) forces to launch missile  
15 and unmanned aircraft strikes on the territory of Saudi  
16 Arabia or the United Arab Emirates.

17 (b) WAIVER.—The President may waive the prohibi-  
18 tion in section (a) on a case-by-case basis if the denial  
19 or suspension of such license would result in a cost to the  
20 Federal Government.

21 **SEC. 6. QUARTERLY UPDATES ON END-USE MONITORING**  
22 **OF SAUDI ARABIA USE OF UNITED STATES-**  
23 **ORIGIN WEAPONS IN YEMEN.**

24 (a) IN GENERAL.—Beginning on the date of the en-  
25 actment of this Act and until such a date as the Kingdom  
26 of Saudi Arabia is assessed by the intelligence community

1 to no longer be conducting airstrikes in Yemen, the Sec-  
2 retary of State, in coordination with the Director of Na-  
3 tional Intelligence, shall submit quarterly reports to the  
4 relevant committees with the following information:

5 (1) A description of strikes by the Saudi Air  
6 Force in Yemen over the past three months that the  
7 United States Government considers “legitimate self  
8 defense”, “internal security”, and “preventing or  
9 hindering the proliferation of weapons of mass de-  
10 struction or the means of delivering such weapons”.

11 (2) A description of strikes by Saudi Arabia in  
12 Yemen, over the past three months that the intel-  
13 ligence community assesses do not constitute “legiti-  
14 mate self defense”, “internal security”, and “pre-  
15 venting or hindering the proliferation of weapons of  
16 mass destruction or the means of delivering such  
17 weapons,” consistent with the statement of policy  
18 described in section 3.

19 (3) A description of the investigations that the  
20 United States Government carried out of the strikes  
21 described in paragraph (2).

22 (4) A description of any violations of the terms  
23 of sale for United States Munitions List-listed air-  
24 craft to Saudi Arabia for purposes of compliance

1 with 3(c)(2) of the Foreign Military Sales Act that  
2 the investigations described in paragraph (3) found.

3 (5) A certification from the Secretary of State  
4 that, consistent with United States law and policy—

5 (A) all Department of State personnel are  
6 implementing faithfully and consistently their  
7 obligations under United States law and policy  
8 to be alert to and report to the Secretary of  
9 State any indication that United States-origin  
10 defense articles are being used against anything  
11 other than legitimate military targets in Yemen;  
12 and

13 (B) the Department of State is inves-  
14 tigating any indications that United States-ori-  
15 gin defense articles are not being used against  
16 anything other than legitimate military targets  
17 in Yemen and taking necessary corrective ac-  
18 tions to ensure compliance with United States  
19 law and policy.

20 (b) FORM.—The report required by subsection (a)  
21 shall be submitted in unclassified form, but may contain  
22 a classified annex.

23 **SEC. 7. DEFINITIONS.**

24 In this Act:



1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2       TEES.—The term “appropriate congressional com-  
3       mittees” means—

4           (A) the Committee on Foreign Affairs, the  
5       Committee on Armed Services, and the Perma-  
6       nent Select Committee on Intelligence of the  
7       House of Representatives; and

8           (B) the Committee on Foreign Relations,  
9       the Committee on Armed Services, and the Se-  
10      lect Committee on Intelligence of the Senate.

11       (2) INTELLIGENCE COMMUNITY.—The term  
12      “intelligence community” has the meaning given  
13      that term in section 3 of the National Security Act  
14      of 1947 (50 U.S.C. 3003).